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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

09/27/2010

Buchanan Ingersoll
Burns Doane Swecker & Mathis
P O Box 1404
Alexandria, VA 22313-1404

EXAMINER

CHOI, LING SU

ART UNIT

PAPER NUMBER

1796

DATE MAILED: 09/27/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,504	06/09/2006	Keiichi Asami	000023-086	2337

TITLE OF INVENTION: SOLVENT DISPERSION OF COMPOSITE RESIN AND USES THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/27/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590 09/27/2010

Buchanan Ingersoll
 Burns Doane Swecker & Mathis
 P O Box 1404
 Alexandria, VA 22313-1404

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/27/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHOI, LING SIU	1796	524-543000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 686 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 686 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/556,504

Applicant(s)

ASAMI ET AL.

Examiner

Ling-Siu Choi

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/08/2010.
2. ☒ The allowed claim(s) is/are 8-28 and 31-48.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Ling-Siu Choi/
Primary Examiner, Art Unit 1796

DETAILED ACTION

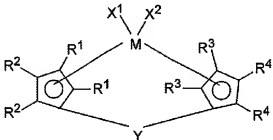
1. This Office Action is in response to the Amendment after Final filed 03/08/2010. Claims 1-7 and 29-30 were cancelled and Claims 43-48 have been added. Claims 8-28 and 31-48 are now pending. And the withdrawn claims 16-28 and 34-42 are rejoined with the elected claims.

Allowable Subject Matter

2. Claims 8-28 and 31-48 are allowed.
3. The following is an examiner's statement of reasons for allowance:
- The present claims are allowable over the closest references: Rosch et al. (US 6,191,210 B1).

Summary of Claim 8:

A solvent dispersion of a composite resin, which comprises	
	a solvent and
	a composite resin comprising
	a thermoplastic elastomer (A) and
	a polymer of copolymerizable monomers (B) comprising a monomer having an α , β -monoethylenically unsaturated group and other copolymerizable monomer(s),
wherein the thermoplastic elastomer (A) is a propylene-based elastomer having	

a molecular weight distribution (M_w/M_n) of 3 or less as measured by GPC, and							
the copolymerizable monomers (B) include at least one monomer containing no functional group,							
wherein the thermoplastic elastomer (A) is obtained by copolymerizing propylene and α -olefin, or by copolymerizing propylene, α -olefin and ethylene,							
in the presence of a catalyst for olefin polymerization which contains:							
[i]	<p>a transition metal compound represented by the following formula (1):</p>  <p>and</p>						
[ii]	<p>at least one compound selected from the group consisting of:</p> <table border="1" data-bbox="174 747 917 886"> <tr> <td>[ii- 1]</td><td>an organoaluminum compound,</td></tr> <tr> <td>[ii-2]</td><td>an organoaluminum-oxy compound, and</td></tr> <tr> <td>[ii-3]</td><td>a compound forming ion pairs by reacting with the transition metal compound (1).</td></tr> </table>	[ii- 1]	an organoaluminum compound,	[ii-2]	an organoaluminum-oxy compound, and	[ii-3]	a compound forming ion pairs by reacting with the transition metal compound (1).
[ii- 1]	an organoaluminum compound,						
[ii-2]	an organoaluminum-oxy compound, and						
[ii-3]	a compound forming ion pairs by reacting with the transition metal compound (1).						

Summary of Claim 9:

A solvent dispersion of a composite resin, which comprises		
	a solvent and	
	a composite resin comprising	
		a thermoplastic elastomer (A) and
		a polymer of copolymerizable monomers (B) comprising

		a monomer having an α , β -monoethylenically unsaturated group and other copolymerizable monomer(s),
		wherein the thermoplastic elastomer (A) is a propylene-based elastomer having a molecular weight distribution (M_w/M_n) of 3 or less as measured by GPC, and
		the copolymerizable monomers (B) include at least one monomer containing no functional group,
		wherein the thermoplastic elastomer (A) is obtained by copolymerizing propylene and α -olefin, or by copolymerizing propylene, α -olefin and ethylene,
		<u>in the presence of a catalyst</u> for olefin polymerization which contains:
[i]		a transition metal compound represented by the following formula (2):
		and
[ii]		at least one compound selected from the group consisting of:
		[ii- 1] an organoaluminum compound,
		[ii-2] an organoaluminum-oxy compound, and
		[ii-3] a compound forming ion pairs by reacting with the transition metal compound (2).

Summary of Claim 10:

A solvent dispersion of a composite resin, which comprises		
		a solvent and
		a composite resin comprising
		a thermoplastic elastomer (A) and

	<p>a polymer of copolymerizable monomers (B) comprising a monomer having an α, β-monoethylenically unsaturated group and other copolymerizable monomer(s),</p>
	<p>wherein the thermoplastic elastomer (A) is a propylene-based elastomer having a molecular weight distribution (M_w/M_n) of 3 or less as measured by GPC, and</p>
	<p>the copolymerizable monomers (B) include at least one monomer containing no functional group,</p>
	<p>wherein the thermoplastic elastomer (A) is obtained by copolymerizing propylene and α-olefin, or by copolymerizing propylene, α-olefin and ethylene, <u>in the presence of a catalyst</u> for olefin polymerization which contains:</p>
[i]	<p>a transition metal compound represented by the following formula (3):</p> <div style="text-align: center;"> </div>

Rosch et al. disclose an aqueous coating material, comprising at least one water dilutable binder resulting from the free-radical polymerization of (A) from 20 to 90 wt% of a mixture of monomers comprising (a1) from 3 to 50% by weight of a first monomer selected from the group consisting of acrylic acid, methacrylic acid and mixtures thereof, and (a2) from 50 to 97% by weight of an ethylenically unsaturated second monomer which is different from said first monomer (a1) or a mixture of such ethylenically unsaturated monomers in the presence of (B) from 9.9 to 79.9 wt% of a halogen-free copolymer composed of (b1) from 1 to 99 wt% of propylene; (b2) from 1 to 99 wt% of at

least one olefin which is copolymerizable with (b1) and which contains per molecule from five to twenty carbon atoms, with the exception of isoprene, and (b3) from 0 to 50 wt% of a member of the group consisting of ethylene, butylene, and mixtures thereof, and (C) from 0.1 to 10 wt% of a free-radical initiator or a mixture of free-radical initiators, and, after neutralization of at least 20% of the carboxyl groups which are present in the resulting polymerization product, dispersing the polymerization product in water (claim 1). However, Rosch et al. do not teach or fairly suggest the claimed solvent dispersion of a composite resin comprising a thermoplastic elastomer and a polymer of copolymerizable monomers, wherein the copolymerizable monomers include at least one monomer containing no functional groups and the thermoplastic elastomer is a propylene-based elastomer having a molecular weight distribution of 3 or less (GPC) and being prepared in the presence of a specific catalyst.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Ling-Siu Choi/

Primary Examiner, Art Unit 1796

September 30, 2010

Application/Control Number: 10/556,504
Art Unit: 1796

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